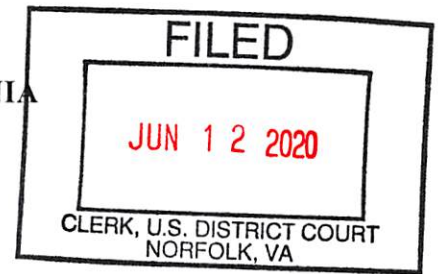


UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division



ALEXANDER HARRIS, #1189487,

Petitioner,

v.

ACTION NO. 2:19cv387

HAROLD W. CLARKE,
Director of the VA Dept. of Corrections,

Respondent.

FINAL ORDER

Petitioner Alexander Harris ("Harris"), a Virginia inmate, submitted an amended *pro se* petition pursuant to 28 U.S.C. § 2254 alleging his federal rights were violated when he was convicted in the Circuit Court for the County of Mecklenburg of two counts of forcible rape and one count of aggravated sexual battery. ECF No. 7 at 1. As a result of the convictions, Harris was sentenced to 120 years of incarceration with 70 years suspended on November 5, 2010. *Id.*

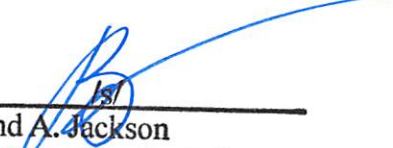
The matter was referred to a United States Magistrate Judge pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia for report and recommendation. The report and recommendation, filed March 23, 2020, recommends that respondent's motion to dismiss (ECF No. 13) be granted, and the amended petition for writ of habeas corpus (ECF No. 7) be denied and dismissed with prejudice. ECF No. 21. Each party was advised of the right to file written objections to the findings and recommendations made by the Magistrate Judge. On June 8, 2020, the Court received Harris' objections to the findings and recommendations made by the Magistrate Judge. ECF No. 26.

The Court, having reviewed the record and examined the objections filed by Harris to the report and recommendation, and having made de novo findings with respect to the portions objected to, does hereby adopt and approve the findings and recommendations set forth in the report and recommendation. The Court, therefore, **ORDERS** that respondent's motion to dismiss, ECF No. 13, is **GRANTED**, and the amended petition for a writ of habeas corpus, ECF No. 7, is **DENIED** and **DISMISSED** with prejudice.

Harris has failed to demonstrate a "substantial showing of the denial of a constitutional right," and, therefore, the Court declines to issue any certificate of appealability pursuant to Rule 22(b) of the Federal Rules of Appellate Procedure. *See Miller-El v. Cockrell*, 537 U.S. 322, 335-36 (2003).

Harris is **ADVISED** that, because a certificate of appealability is denied by this Court, he may seek a certificate from the United States Court of Appeals for the Fourth Circuit. Fed. R. App. P. 22(b); Rules Gov. § 2254 Cases in U.S. Dist. Cts. 11(a). **If Harris intends to seek a certificate of appealability from the Fourth Circuit, he must do so within thirty (30) days from the date of this Final Order. Harris may seek such a certificate by filing a written notice of appeal with the Clerk of the United States District Court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510.**

The Clerk shall mail a copy of this final order to Harris and counsel of record for respondent.



Raymond A. Jackson
United States District Judge

Raymond A. Jackson
United States District Judge

Norfolk, Virginia
June 12, 2020